



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**March 17, 2014**

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Senate File 2312

H-8122

- 1 Amend Senate File 2312, as passed by the Senate, as  
2 follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. Section 499A.1, subsection 1, Code  
5 2014, is amended to read as follows:  
6 1. Any two or more persons of full age, a  
7 majority of whom are citizens of the state, may  
8 organize themselves for the following or similar  
9 purposes: Ownership of residential, business property  
10 on a cooperative basis. A corporation or limited  
11 liability company is a person within the meaning of  
12 this chapter. The organizers shall adopt, and sign  
13 and acknowledge the articles of incorporation, stating  
14 the name by which the cooperative shall be known,  
15 the location of its principal place of business, its  
16 business or objects, the number of directors to conduct  
17 the cooperative's business or objects, the names of  
18 the directors for the first year, the time of the  
19 cooperative's annual meeting, the time of the annual  
20 meeting of its directors, and the manner in which the  
21 articles may be amended. The articles of incorporation  
22 shall be filed with the secretary of state who shall,  
23 if the secretary approves the articles, endorse the  
24 secretary of state's approval on the articles, record  
25 the articles, and forward the articles to the county  
26 recorder of the county where the principal place of  
27 business is to be located, and there the articles shall  
28 be recorded, and upon recording be returned to the  
29 cooperative. The articles shall not be filed by the  
30 secretary of state until a filing fee of five dollars  
31 together with a recording fee of fifty cents per page  
32 is paid, and upon the payment of the fees and the  
33 approval of the articles by the secretary of state, the  
34 secretary shall issue to the cooperative a certificate  
35 of incorporation as a cooperative not for pecuniary  
36 profit. The county recorder shall collect recording  
37 fees pursuant to section 331.604 for articles forwarded  
38 for recording under this section.>  
39 2. Title page, line 4, after <regimes> by inserting  
40 <, by allowing limited liability companies to form  
41 multiple housing cooperatives,>  
42 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
BALTIMORE of Boone, Chairperson

SF2312.3279 (3) 85

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rh/sc

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House File 2361

H-8123

1 Amend the amendment, H-8107, to House File 2361 as  
2 follows:  
3 1. Page 1, by striking lines 3 through 14 and  
4 inserting:  
5 <<Sec. \_\_\_\_\_. INTERSECTION REPORT. By October  
6 1, 2014, the county engineer of each county shall  
7 provide a report to the department of transportation  
8 identifying all locations in the county where two  
9 different roads or highways having speed limits of  
10 55 miles per hour or greater intersect but are not  
11 controlled by an official traffic-control signal  
12 or by official traffic-control devices that direct  
13 traffic approaching from every direction to stop or  
14 yield before entering the intersection. On or before  
15 December 31, 2014, the department shall file a report  
16 with the legislative services agency detailing the  
17 number and locations of the intersections identified in  
18 the county engineers' reports.>>

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Iowa General Assembly  
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House Resolution 119 - Introduced

HOUSE RESOLUTION NO. 119

BY ISENHART, DRAKE, KRESSIG, MOORE, MUHLBAUER,  
VANDER LINDEN, M. SMITH, HEIN, JACOBY, DOLECHECK,  
STUTSMAN, HUSEMAN, KAJTAZOVIC, PETTENGILL, KELLEY,  
FISHER, GAINES, SHEETS, LYKAM, BAUDLER, RIDING,  
KOESTER, MURPHY, LANDON, WOOD, R. TAYLOR, HALL,  
GRASSLEY, RUFF, SALMON, BEARINGER, FORRISTALL,  
RUNNING-MARQUARDT, JORGENSEN, THOMAS, HANUSA,  
R. OLSON, WATTS, DUNKEL, RAYHONS, DAWSON, J.  
SMITH, T. OLSON, HEATON, OLDSON, ALONS, HANSON,  
BRANDENBURG, LUNDBY, ROGERS, THEDE, COWNIE,  
H. MILLER, S. OLSON, BERRY, BALTIMORE, WOLFE,  
STANERSON, STECKMAN, GUSTAFSON, KEARNS, KAUFMANN,  
OURTH, BYRNES, HEDDENS, LOFGREN, ANDERSON, WORTHAN,  
PRICHARD, HIGHFILL, MASCHER, HAGENOW, ABDUL-SAMAD,  
L. MILLER, GASKILL, BACON, MEYER, GASSMAN,  
COHOON, SANDS, FORBES, SHAW, LENSING, HESS,  
WESSEL-KROESCHELL, HEARTSILL, HUNTER, MAXWELL,  
T. TAYLOR, UPMEYER, WINCKLER, WINDSCHITL, STAED,  
SODERBERG, and PAULSEN

1 A Resolution commemorating the 25th anniversary of the  
2 Resource Enhancement and Protection Program.  
3 WHEREAS, the citizens of Iowa have built and  
4 sustained our economy and culture on the state's rich  
5 soils, plentiful water, clean air, and other diverse  
6 natural resources; and  
7 WHEREAS, the future well-being of the people of Iowa  
8 and our livestock and wildlife depend on these natural  
9 resources; and  
10 WHEREAS, the General Assembly established in 1989

LSB 6168YH (4) 85

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1 a state resources enhancement policy in the Iowa  
2 Code; and

3 WHEREAS, this policy seeks to protect the state's  
4 natural resource heritage for the benefit of present  
5 and future generations with the establishment of a  
6 Resource Enhancement and Protection Program; and

7 WHEREAS, the General Assembly directed that this  
8 program be a long-term, integrated effort to protect  
9 and wisely use Iowa's natural resources through  
10 the acquisition and management of public lands; the  
11 upgrading of public parks and preserves; and the  
12 support of environmental education, monitoring, and  
13 research; and

14 WHEREAS, the Resource Enhancement and Protection  
15 Program was passed unanimously by the Iowa House of  
16 Representatives and signed into law 25 years ago by  
17 Governor Terry E. Branstad on May 27, 1989; and

18 WHEREAS, the Resource Enhancement and Protection  
19 Program has significantly benefited all 99 Iowa  
20 counties by supporting a total of 14,535 projects since  
21 its inception; and

22 WHEREAS, the Resource Enhancement and Protection  
23 Program has financed these projects with \$264 million  
24 in state investments, leveraging two to three times  
25 that amount in private, local, and federal dollars to  
26 achieve its goals; and

27 WHEREAS, hundreds of Iowans gather every other year  
28 in regional and statewide meetings to discuss and show  
29 their support for the program; and

30 WHEREAS, the vision and planning that went into the

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1 creation of the Resource Enhancement and Protection  
2 Program are a source of pride to all stakeholders,  
3 as demonstrated by the fact that the program and its  
4 funding allocation formula have never been altered; and

5 WHEREAS, the Resource Enhancement and Protection  
6 Program is documented to have created healthier  
7 communities, improved quality of life, and sustained  
8 economic development; created better soil and water  
9 quality; expanded trails and outdoor recreation  
10 opportunities; and enhanced knowledge about and  
11 understanding of our ecological and environmental  
12 assets; and

13 WHEREAS, Iowans desire to celebrate the success  
14 and positive impacts of the Resource Enhancement and  
15 Protection Program in this anniversary year; and

16 WHEREAS, Iowans strongly believe that the Resource  
17 Enhancement and Protection Program is a successful  
18 venture worthy of the continued support of the General  
19 Assembly; NOW THEREFORE,

20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That  
21 the House of Representatives commends all Iowans who  
22 have contributed their time, energy, and commitment  
23 to ensure the success of the Resource Enhancement and  
24 Protection Program; and

25 BE IT FURTHER RESOLVED, That each public body  
26 and private organization in this state is encouraged  
27 to consider the role it can play to further the  
28 enhancement of and contribute to the preservation of  
29 Iowa's natural resources; and

30 BE IT FURTHER RESOLVED, That individual Iowans and

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1 visitors to our state are encouraged to participate  
2 in an outdoor activity or event during the 25th  
3 anniversary year to celebrate our success and enjoy the  
4 blessings of our natural heritage.



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House Resolution 120 - Introduced

HOUSE RESOLUTION NO. 120

BY OURTH, KEARNS, STAED, HEDDENS, T. TAYLOR, MASCHER,  
ABDUL-SAMAD, M. SMITH, GASKILL, COHOON, WINCKLER,  
WESSEL-KROESCHELL, WOLFE, RUNNING-MARQUARDT,  
LUNDBY, STECKMAN, BERRY, HANSON, RUFF, THOMAS,  
BEARINGER, KELLEY, DAWSON, T. OLSON, OLDSO, N,  
FORBES, RIDING, MUHLBAUER, HUNTER, LENSING,  
DUNKEL, STUTSMAN, LYKAM, GAINES, MURPHY, WOOD,  
FISHER, ALONS, VANDER LINDEN, HEIN, DRAKE, BACON,  
LANDON, JORGENSEN, HALL, COWNIE, DOLECHECK, HEATON,  
DEYOE, WORTHAN, WATTS, BAUDLER, KLEIN, HUSEMAN,  
WINDSCHITL, HEARTSILL, MOORE, SCHULTZ, H. MILLER,  
BRANDENBURG, COSTELLO, HAGENOW, SODERBERG, HANUSA,  
KOESTER, HESS, and R. TAYLOR

1 A Resolution recognizing May 9 and 10, 2014, as Iowa  
2 School Band Days.

3 WHEREAS, from the works of Robert Meredith Willson  
4 to the marches of Karl L. King, Iowa has a long,  
5 strong, and proud tradition of band music; and

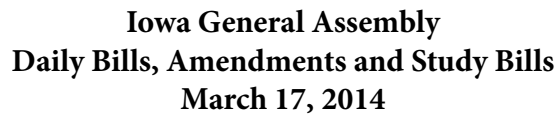
6 WHEREAS, music education within school band programs  
7 has repeatedly been proven to positively influence  
8 student achievement in all curriculums; and

9 WHEREAS, community support for quality school music  
10 programs shows a dedication to the sense of pride and  
11 community that school bands can provide; and

12 WHEREAS, school band programs demonstrate that a  
13 well-rounded music education can be key to a student's  
14 success in life and learning; and

15 WHEREAS, the weekend of May 9 and 10, 2014, are  
16 state band contest days; and





1 WHEREAS, recognizing organizations like the  
2 Iowa Chapter of the American School Band Directors  
3 Association will encourage music excellence throughout  
4 our state; NOW THEREFORE,  
5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That  
6 the House of Representatives recognizes May 9 and 10,  
7 2014, as Iowa School Band Days and congratulates the  
8 talented and dedicated young musicians who are members  
9 of Iowa's school bands.



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House File 2387

S-5067

1 Amend House File 2387, as passed by the House, as  
2 follows:  
3 1. Page 1, line 27, after <mail> by inserting <and  
4 first class mail>

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ROBERT M. HOGG



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Senate File 2269

S-5068

1 Amend Senate File 2269 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 257.11, subsection 7, paragraph  
5 a, subparagraph (1), Code 2014, is amended to read as  
6 follows:

7 (1) In order to provide additional funding to  
8 increase student opportunities and redirect more  
9 resources to student programming for school districts  
10 that share operational functions, ~~a supplementary~~  
11 ~~weighting of two hundredths per pupil shall be~~  
12 ~~assigned to pupils enrolled in a district that~~  
13 ~~shares with a political subdivision one or more~~  
14 ~~operational functions of a curriculum director,~~  
15 ~~school administration manager, social worker, school~~  
16 ~~nurse, or school counselor, or school librarian,~~  
17 ~~or one or more operational functions in the areas~~  
18 ~~of superintendent management, business management,~~  
19 ~~human resources, transportation, or operation and~~  
20 ~~maintenance for at least twenty percent of the school~~  
21 ~~year shall be assigned a supplementary weighting~~  
22 for each shared operational function. A school  
23 district that shares an operational function in the  
24 area of superintendent management shall be assigned  
25 a supplementary weighting of eight pupils for the  
26 function. A school district that shares an operational  
27 function in the area of business management, human  
28 resources, transportation, or operation and maintenance  
29 shall be assigned a supplementary weighting of five  
30 pupils for the function. A school district that shares  
31 the operational functions of a curriculum director or  
32 a school counselor shall be assigned a supplementary  
33 weighting of three pupils for the function. The  
34 additional weighting shall be assigned for each  
35 discrete operational function shared. However, a  
36 school district may receive the additional weighting  
37 under this subsection for sharing the services of  
38 an individual with a political subdivision even if  
39 the type of operational function performed by the  
40 individual for the school district and the type of  
41 operational function performed by the individual for  
42 the political subdivision are not the same operational  
43 function, so long as both operational functions are  
44 eligible for weighting under this subsection. In  
45 such case, the school district shall be assigned  
46 the additional weighting for the type of operational  
47 function that the individual performs for the school  
48 district, and the school district shall not receive  
49 additional weighting for any other function performed  
50 by the individual. The operational function sharing

SF2269.3350 (1) 85

(amending this SF 2269

to CONFORM to HF 2271)

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1 arrangement does not need to be a newly implemented  
2 sharing arrangement to receive supplementary  
3 weighting under this subsection. ~~However, to receive~~  
4 ~~supplementary weighting under this subsection for an~~  
5 ~~ongoing operational function sharing arrangement that~~  
6 ~~began before July 1, 2014, the district shall submit~~  
7 ~~information to the department documenting the cost~~  
8 ~~savings directly attributable to the shared operational~~  
9 ~~functions and describe the district's consideration of~~  
10 ~~additional shared operational functions.~~

11 Sec. 2. Section 257.11, subsection 7, paragraphs c  
12 and d, Code 2014, are amended to read as follows:

13 c. Supplementary weighting pursuant to this  
14 subsection shall be available to a school district for  
15 a maximum of five years during the period commencing  
16 with the budget year beginning July 1, 2014, through  
17 the budget year beginning July 1, 2019. The minimum  
18 amount of additional weighting for which a school  
19 district shall be eligible is an amount equivalent  
20 to ten additional pupils, and the maximum amount of  
21 additional weighting for which a school district shall  
22 be eligible in a budget year is an amount equivalent  
23 to forty twenty-one additional pupils. Receipt of  
24 supplementary weighting by a school district pursuant  
25 to this subsection for more than one year shall be  
26 contingent upon the annual submission of information  
27 by the district to the department documenting cost  
28 savings directly attributable to the shared operational  
29 functions. Criteria for determining the number of  
30 years for which supplementary weighting shall be  
31 received pursuant to this subsection, subject to the  
32 five-year maximum, and for determining qualification  
33 of operational functions for supplementary weighting  
34 shall be determined by the department by rule, through  
35 consideration of long-term savings by the school  
36 district or increased student opportunities.

37 d. Supplementary weighting pursuant to this  
38 subsection shall be available to an area education  
39 agency for a maximum of five years during the period  
40 commencing with the budget year beginning July 1,  
41 2014, through the budget year beginning July 1,  
42 2019. The minimum amount of additional funding for  
43 which an area education agency shall be eligible in  
44 a budget year is fifty thirty thousand dollars, and  
45 the maximum amount of additional funding for which an  
46 area education agency shall be eligible is two hundred  
47 thousand dollars. The department of management shall  
48 annually set a weighting for each area education agency  
49 to generate the approved operational sharing expense  
50 using the area education agency's special education

SF2269.3350 (1) 85

(amending this SF 2269

to CONFORM to HF 2271)



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1 cost per pupil amount and foundation level. Receipt  
2 of supplementary weighting by an area education agency  
3 for more than one year shall be contingent upon the  
4 annual submission of information by the district to  
5 the department documenting cost savings directly  
6 attributable to the shared operational functions.  
7 Criteria for determining the number of years for  
8 which supplementary weighting shall be received  
9 pursuant to this subsection, subject to the five-year  
10 maximum, and the amount generated by the supplementary  
11 weighting, and for determining qualification of  
12 operational functions for supplementary weighting  
13 shall be determined by the department by rule,  
14 through consideration of long-term savings by the area  
15 education agency or increased student opportunities.  
16 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being  
17 deemed of immediate importance, takes effect upon  
18 enactment.>  
19 2. Title page, line 1, by striking <modifying> and  
20 inserting <relating to>

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LIZ MATHIS

SF2269.3350 (1) 85  
(amending this SF 2269  
to CONFORM to HF 2271)

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md/sc

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Iowa General Assembly  
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Senate File 2167

S-5069

- 1 Amend Senate File 2167 as follows:
- 2 1. Page 2, line 17, by striking <Preventing> and
- 3 inserting <Intentionally preventing>
- 4 2. Page 2, line 18, after <interfere> by inserting
- 5 <in any way>
- 6 3. Page 12, line 30, by striking <Preventing> and
- 7 inserting <Intentionally preventing>
- 8 4. Page 12, line 31, after <interfere> by inserting
- 9 <in any way>
- 10 5. Page 13, line 19, by striking <Preventing> and
- 11 inserting <Intentionally preventing>
- 12 6. Page 13, line 20, after <interfere> by inserting
- 13 <in any way>
- 14 7. Page 14, line 8, by striking <Preventing> and
- 15 inserting <Intentionally preventing>
- 16 8. Page 14, line 9, after <interfere> by inserting
- 17 <in any way>
- 18 9. By renumbering as necessary.

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LIZ MATHIS

SF2167.3127 (2) 85  
amending this SF 2167 to  
CONFORM to HF 2365

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ad/nh

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Iowa General Assembly  
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House File 2230

S-5070

- 1 Amend House File 2230, as passed by the House, as
- 2 follows:
- 3 1. Page 1, after line 26 by inserting:
- 4 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This Act,
- 5 being deemed of immediate importance, takes effect upon
- 6 enactment.>
- 7 2. Title page, line 3, after <land> by inserting <,
- 8 and including effective date provisions>
- 9 3. By renumbering as necessary.

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RICH TAYLOR



Iowa General Assembly  
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House File 2388

S-5071

1 Amend House File 2388, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 7, after <child> by inserting  
4 <adjudicated under chapter 232 or>  
5 2. Page 1, line 13, after <child> by inserting  
6 <adjudicated under chapter 232 or>  
7 3. Page 1, line 17, after <children> by inserting  
8 <adjudicated or>  
9 4. Page 1, line 20, after <in> by inserting  
10 <adjudicated under chapter 232 or>  
11 5. Page 1, line 22, after <in> by inserting  
12 <adjudicated under chapter 232 or>  
13 6. Page 1, line 29, after <child> by inserting  
14 <adjudicated under chapter 232 or>  
15 7. Page 1, line 32, after <child> by inserting  
16 <adjudicated under chapter 232 or>  
17 8. Page 2, line 11, after <child> by inserting  
18 <adjudicated under chapter 232 or>  
19 9. Page 2, line 15, after <child> by inserting  
20 <adjudicated under chapter 232 or>  
21 10. Page 2, line 20, after <children> by inserting  
22 <adjudicated under chapter 232 or>  
23 11. Page 2, line 25, after <child> by inserting  
24 <adjudicated under chapter 232 or>  
25 12. Title page, line 1, after <children> by  
26 inserting <adjudicated under the juvenile justice law  
27 or>

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RITA HART

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HF2388.3348 (1) 85

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kh/rj

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Iowa General Assembly  
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House File 2366

S-5072

1 Amend House File 2366, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. Section 44.4, subsection 1, Code 2014,  
5 is amended to read as follows:  
6 1. Nominations made pursuant to this chapter and  
7 chapter 45 which are required to be filed in the office  
8 of the state commissioner shall be filed in that office  
9 not more than ninety-nine days nor later than 5:00 p.m.  
10 on the eighty-first day before the date of the general  
11 election to be held in November. Nominations made for  
12 a special election called pursuant to section 69.14  
13 shall be filed by 5:00 p.m. not less than twenty-five  
14 days before the date of an election called upon at  
15 least forty days' notice and not less than fourteen  
16 days before the date of an election called upon at  
17 least eighteen days' notice. Nominations made for a  
18 special election called pursuant to section 69.14A  
19 shall be filed by 5:00 p.m. not less than twenty-five  
20 days before the date of the election. Nominations  
21 made pursuant to this chapter and chapter 45 which are  
22 required to be filed in the office of the commissioner  
23 shall be filed in that office not more than ninety-two  
24 days nor later than 5:00 p.m. on the sixty-ninth day  
25 before the date of the general election. Nominations  
26 made pursuant to this chapter or chapter 45 for city  
27 office shall be filed not more than seventy-two days  
28 nor later than 5:00 p.m. on the forty-seventh day  
29 before the city election with the ~~city clerk~~ county  
30 commissioner of elections responsible under section  
31 47.2 for conducting elections held for the city, who  
32 shall process them as provided by law.  
33 Sec. \_\_\_\_\_. Section 44.4, subsection 2, paragraph a,  
34 subparagraphs (2) and (3), Code 2014, are amended to  
35 read as follows:  
36 (2) Those filed with the commissioner, not less  
37 than sixty-four days before the date of the election,  
38 except as provided in subparagraph (3).  
39 (3) Those filed with the ~~city clerk~~ commissioner  
40 for an elective city office, at least forty-two  
41 days before the regularly scheduled or special  
42 city election. However, for those cities that may  
43 be required to hold a primary election, at least  
44 sixty-three days before the regularly scheduled or  
45 special city election.  
46 Sec. \_\_\_\_\_. Section 44.7, Code 2014, is amended to  
47 read as follows:  
48 **44.7 Hearing before commissioner.**  
49 Objections Except as otherwise provided in section  
50 44.8, objections filed with the commissioner shall be

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aw/sc

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1 considered by the county auditor, county treasurer,  
2 and county attorney, and a majority decision shall  
3 be final, ~~but~~. However, if the objection is to the  
4 certificate of nomination of one or more of the above  
5 named county officers, the officer or officers objected  
6 to shall not pass upon the objection, but their places  
7 shall be filled, respectively, by the chairperson of  
8 the board of supervisors, the sheriff, and the county  
9 recorder.

10 Sec. \_\_\_\_\_. Section 44.8, Code 2014, is amended to  
11 read as follows:

12 **44.8 Hearing before mayor.**

13 1. Objections filed with the city clerk pursuant to  
14 section 362.4 or with the commissioner for an elective  
15 city office shall be considered by the mayor and clerk  
16 and one member of the council chosen by the council  
17 by ballot, and a majority decision shall be final,  
18 ~~but~~. However, if the objection is to the certificate  
19 of nomination of either of those city officials, that  
20 official shall not pass upon ~~said~~ the objection, but  
21 the official's place shall be filled by a member of the  
22 council against whom no such objection exists, chosen  
23 as above provided.

24 2. The hearing shall be held within twenty-four  
25 hours of the receipt of the objection if a primary  
26 election must be held for the office sought by the  
27 candidate against whom the objection has been filed.

28 Sec. \_\_\_\_\_. Section 44.9, subsections 2 and 6, Code  
29 2014, are amended to read as follows:

30 2. In the office of the proper commissioner, at  
31 least sixty-four days before the date of the election,  
32 except as otherwise provided in subsection 6.

33 6. In the office of the proper ~~city clerk~~  
34 commissioner, at least forty-two days before the  
35 regularly scheduled or special city election. However,  
36 for those cities that may be required to hold a primary  
37 election, at least sixty-three days before a regularly  
38 scheduled or special city election.

39 Sec. \_\_\_\_\_. Section 44.11, Code 2014, is amended to  
40 read as follows:

41 **44.11 Vacancies filled.**

42 If a candidate named under this chapter withdraws  
43 before the deadline established in section 44.9,  
44 declines a nomination, or dies before election day, or  
45 if a certificate of nomination is held insufficient or  
46 inoperative by the officer with whom it is required  
47 to be filed, or in case any objection made to a  
48 certificate of nomination, or to the eligibility of any  
49 candidate named in the certificate, is sustained by  
50 the board appointed to determine such questions, the



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1 vacancy or vacancies may be filled by the convention,  
2 or caucus, or in such manner as such convention  
3 or caucus has previously provided. The vacancy or  
4 vacancies shall be filled not less than seventy-four  
5 days before the election in the case of nominations  
6 required to be filed with the state commissioner, not  
7 less than sixty-four days before the election in the  
8 case of nominations required to be filed with the  
9 commissioner, not less than thirty-five days before  
10 the election in the case of nominations required to be  
11 filed in the office of the school board secretary, and  
12 not less than forty-two days before the election in the  
13 case of nominations required to be filed with the city  
14 clerk\* commissioner for city elections.>

15 2. Page 1, line 33, after <election.> by inserting  
16 <If the council fails to make an appointment within  
17 sixty days as required by this subsection, the city  
18 clerk shall give notice of the vacancy to the county  
19 commissioner and the county commissioner shall  
20 call a special election to fill the vacancy at the  
21 earliest practicable date but no fewer than thirty-two  
22 days after the notice is received by the county  
23 commissioner.>

24 3. Page 3, after line 7 by inserting:  
25 <Sec. \_\_\_\_\_. Section 376.4, subsection 1, paragraph  
26 a, Code 2014, is amended to read as follows:  
27 a. An eligible elector of a city may become a  
28 candidate for an elective city office by filing  
29 with the city clerk county commissioner of elections  
30 responsible under section 47.2 for conducting elections  
31 held for the city a valid petition requesting that the  
32 elector's name be placed on the ballot for that office.  
33 The petition must be filed not more than seventy-one  
34 days and not less than forty-seven days before the  
35 date of the election, and must be signed by eligible  
36 electors equal in number to at least two percent of  
37 those who voted to fill the same office at the last  
38 regular city election, but not less than ten persons.  
39 However, for those cities which may be required to hold  
40 a primary election, the petition must be filed not more  
41 than eighty-five days and not less than sixty-eight  
42 days before the date of the regular city election.  
43 Nomination petitions shall be filed not later than 5:00  
44 p.m. on the last day for filing.

45 Sec. \_\_\_\_\_. Section 376.4, subsections 3, 4, and 5,  
46 Code 2014, are amended to read as follows:

47 3. ~~If the city clerk is not readily available~~  
48 ~~during normal office hours, the city clerk shall~~  
49 ~~designate other employees or officials of the city who~~  
50 ~~are ordinarily available to accept nomination papers~~

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1 ~~under this section.~~ On the final date for filing  
2 nomination papers the office of the ~~city clerk~~ county  
3 commissioner shall remain open until 5:00 p.m.  
4 4. The ~~city clerk~~ county commissioner shall  
5 review each petition and affidavit of candidacy  
6 for completeness following the standards in section  
7 45.5 and shall accept the petition for filing if on  
8 its face it appears to have the requisite number of  
9 signatures and if it is timely filed. The ~~city clerk~~  
10 county commissioner shall note upon each petition and  
11 affidavit accepted for filing the date and time that  
12 they were filed. The ~~clerk~~ county commissioner shall  
13 return any rejected nomination papers to the person on  
14 whose behalf the nomination papers were filed.  
15 5. Nomination papers filed with the ~~city clerk~~  
16 county commissioner shall be available for public  
17 inspection.  
18 5A. The city clerk shall deliver ~~all nomination~~  
19 ~~papers together with~~ the text of any public measure  
20 being submitted by the city council to the electorate  
21 to the county commissioner of elections ~~on the~~  
22 ~~day following no later than~~ the last day on which  
23 nomination petitions can be filed, and not later than  
24 5:00 p.m. on that day.  
25 Sec. \_\_\_\_\_. Section 376.11, subsections 3, 4, and 5,  
26 Code 2014, are amended to read as follows:  
27 3. In city primary elections any person who  
28 receives write-in votes shall execute an affidavit in  
29 substantially the form required by section 45.3, and  
30 file it with the county commissioner of elections ~~or~~  
31 ~~the city clerk~~ not later than 5:00 p.m. on the day  
32 after the canvass of the primary election. If any  
33 person who received write-in votes fails to file the  
34 affidavit at the time required, the county commissioner  
35 shall disregard the write-in votes cast for that  
36 person. A notation shall be made on the abstract of  
37 votes showing which persons who received write-in  
38 votes filed affidavits. The total number of votes  
39 cast for each office on the ballot shall be amended  
40 by subtracting the write-in votes of those candidates  
41 who failed to file the affidavit. It is not necessary  
42 for a candidate whose name was printed upon the ballot  
43 to file an affidavit. Of the remaining candidates,  
44 those who receive the highest number of votes to the  
45 extent of twice the number of unfilled positions shall  
46 be placed on the ballot for the regular city election  
47 as candidates for that office.  
48 4. In cities in which the city council has chosen a  
49 runoff election in lieu of a primary, if a person who  
50 was elected by write-in votes chooses not to accept the

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1 office by filing a resignation notice with the city  
2 ~~clerk or~~ commissioner of elections not later than 5:00  
3 p.m. on the day following the canvass, all remaining  
4 persons who received write-in votes and who wish  
5 to be considered candidates for the runoff election  
6 shall execute an affidavit in substantially the form  
7 required by section 45.3 and file it with the county  
8 commissioner ~~or the city clerk~~ not later than 5:00 p.m.  
9 of the fourth day following the canvass. If a person  
10 receiving write-in votes fails to file the affidavit  
11 at the time required, the county commissioner of  
12 elections shall disregard the write-in votes cast for  
13 that person. The abstract of votes shall be amended to  
14 show that the person who was declared elected declined  
15 the office and a notation shall be made next to the  
16 names of those persons who did not file the affidavit.  
17 A runoff election shall be held with the remaining  
18 candidates who have the highest number of votes to the  
19 extent of twice the number of unfilled positions.  
20 5. In a city in which the council has chosen a  
21 runoff election, if no person was declared elected for  
22 an office, all persons who received write-in votes  
23 shall execute an affidavit in substantially the form  
24 required by section 45.3 and file it with the county  
25 commissioner of elections ~~or the city clerk~~ not later  
26 than 5:00 p.m. on the day following the canvass of  
27 votes. If any person who received write-in votes fails  
28 to file the affidavit, the county commissioner of  
29 elections shall disregard the write-in votes cast for  
30 that person. The abstract of votes shall be amended to  
31 note which of the write-in candidates failed to file  
32 the affidavit. A runoff election shall be held with  
33 the remaining candidates who have the highest number  
34 of votes to the extent of twice the number of unfilled  
35 positions.>  
36 4. By renumbering, redesignating, and correcting  
37 internal references as necessary.

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COMMITTEE ON STATE GOVERNMENT  
JEFF DANIELSON, CHAIRPERSON

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Senate File 2318

S-5073

1 Amend Senate File 2318 as follows:  
2 1. Page 7, after line 27 by inserting:  
3 <Sec. \_\_\_\_\_. Section 282.18, subsection 11, Code  
4 2014, is amended to read as follows:  
5 11. A pupil who participates in open enrollment  
6 for purposes of attending a grade in grades nine  
7 through twelve in a school district other than the  
8 district of residence is ineligible to participate  
9 in varsity interscholastic athletic contests and  
10 athletic competitions during the pupil's first ninety  
11 school days of enrollment in the district except that  
12 the pupil may participate immediately in a varsity  
13 interscholastic sport if the pupil is entering grade  
14 nine for the first time and did not participate in  
15 an interscholastic athletic competition for another  
16 school or school district during the summer immediately  
17 following eighth grade, if the district of residence  
18 and the other school district jointly participate  
19 in the sport, if the sport in which the pupil wishes  
20 to participate is not offered in the district of  
21 residence, if the pupil chooses to use open enrollment  
22 to attend school in another school district because  
23 the district in which the student previously attended  
24 school was dissolved and merged with one or more  
25 contiguous school districts under section 256.11,  
26 subsection 12, if the pupil participates in open  
27 enrollment because the pupil's district of residence  
28 has entered into a whole grade sharing agreement  
29 with another district for the pupil's grade, ~~or~~ if  
30 the parent or guardian of the pupil participating  
31 in open enrollment is an active member of the armed  
32 forces and resides in permanent housing on government  
33 property provided by a branch of the armed services,  
34 or if the district of residence determines that the  
35 pupil was previously subject to a founded incident of  
36 harassment or bullying as defined in section 280.28  
37 while attending school in the district of residence.  
38 A pupil who has paid tuition and attended school, or  
39 has attended school pursuant to a mutual agreement  
40 between the two districts, in a district other than  
41 the pupil's district of residence for at least one  
42 school year is also eligible to participate immediately  
43 in interscholastic athletic contests and athletic  
44 competitions under this section, but only as a member  
45 of a team from the district that pupil had attended.  
46 For purposes of this subsection, "school days of  
47 enrollment" does not include enrollment in summer  
48 school. For purposes of this subsection, "varsity"  
49 means the same as defined in section 256.46.>

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ROBERT M. HOGG



Iowa General Assembly  
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Senate File 2318

S-5074

1 Amend Senate File 2318 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. SHORT TITLE. This Act shall be known  
5 and may be cited as the "Bully Free Iowa Act of 2014".

6 Sec. 2. Section 256.7, Code 2014, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 33. Adopt rules providing for  
9 annual notification by the department to all school  
10 districts and accredited nonpublic schools regarding  
11 the availability of training meeting the requirements  
12 of section 272.2, subsection 19. After receipt of such  
13 notification, a school district or accredited nonpublic  
14 school shall notify all employees holding a license,  
15 certificate, authorization, or statement of recognition  
16 issued by the board of educational examiners regarding  
17 the availability of such training.

18 Sec. 3. Section 256.7, Code 2014, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 34. Adopt rules incorporating the  
21 training required by section 272.2, subsection 19,  
22 into the standards for individual teacher professional  
23 development plans in accordance with section 284.6 and  
24 individual administrator professional development plans  
25 in accordance with section 284A.6.

26 Sec. 4. NEW SECTION. 256.100 Harassment and  
27 bullying prevention and response.

28 1. The department shall coordinate and implement  
29 the state's efforts to prevent and respond to  
30 harassment and bullying as defined in section 280.28.  
31 The department may enter into chapter 28E agreements  
32 with the board of educational examiners, the department  
33 of human rights, the civil rights commission, and  
34 postsecondary educational institutions for the joint  
35 employment of personnel to carry out its duties.

36 2. The department shall:

37 a. Assist schools in this state in implementation  
38 of section 280.28, using research-based and  
39 outcome-based best practices.

40 b. Develop or recommend qualified training programs  
41 for training required by section 272.2, subsection 19.

42 c. Provide assistance to school employees  
43 responsible for conducting investigations of complaints  
44 of incidents of harassment or bullying to ensure  
45 compliance with section 280.28.

46 d. Have access to, compare, and analyze harassment  
47 and bullying incidence data reported by school  
48 districts and accredited nonpublic schools pursuant to  
49 section 280.28, subsection 7, and response data from  
50 the Iowa youth survey conducted by the department of

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1 public health. The department may use its analysis to  
2 provide technical assistance to districts and schools  
3 regarding their data outcomes.  
4 Sec. 5. Section 272.2, Code 2014, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 19. a. Adopt rules requiring  
7 all individuals applying for or renewing a license,  
8 certificate, authorization, or statement of recognition  
9 issued by the board to complete training approved by  
10 the department on harassment and bullying prevention  
11 and response.  
12 b. Adopt rules requiring all individuals applying  
13 for or renewing an administrator license to complete  
14 training approved by the department on implementation  
15 of school-wide policies and procedures for harassment  
16 and bullying identification, reporting, response, and  
17 prevention and for the training of individuals who are  
18 responsible for conducting investigations of complaints  
19 of incidents of harassment or bullying.  
20 c. Adopt rules providing for waiver or suspension  
21 of the training requirements of this subsection if  
22 the waiver or suspension is in the public interest,  
23 applicable to an individual who is engaged in active  
24 duty in the military service of this state or of the  
25 United States, to an individual for whom compliance  
26 with the training requirements would impose a  
27 significant hardship, or to an individual who is  
28 practicing in an education profession outside this  
29 state.  
30 Sec. 6. Section 280.28, subsection 2, paragraphs a  
31 and b, Code 2014, are amended to read as follows:  
32 a. "Electronic" means any communication involving  
33 the transmission of information by wire, radio,  
34 optical cable, electromagnetic, or other similar  
35 means. "Electronic" includes but is not limited to  
36 communication via electronic mail, internet-based  
37 communications including social networking sites, pager  
38 service, cell phones, and electronic text messaging,  
39 or any other electronic communication site, device, or  
40 means.  
41 b. "Harassment" and "bullying" shall be construed  
42 to mean any electronic, written, verbal, or physical  
43 act or conduct toward a student which is based on  
44 any actual or perceived trait or characteristic of  
45 the student or any other reason and which creates an  
46 objectively hostile school environment that meets one  
47 or more of the following conditions:  
48 (1) Places the student in reasonable fear of harm  
49 to the student's person or property.  
50 (2) Has a substantially detrimental effect on the

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1 student's physical or mental health.

2 (3) Has the effect of substantially interfering  
3 with a student's academic performance.

4 (4) Has the effect of substantially interfering  
5 with the student's ability to participate in or benefit  
6 from the services, activities, or privileges provided  
7 by a school.

8 Sec. 7. Section 280.28, subsection 3, Code 2014, is  
9 amended by adding the following new paragraphs:

10 NEW PARAGRAPH. *h.* A procedure for the immediate  
11 notification of the parents or guardians of all  
12 students directly involved in a reported incident of  
13 harassment or bullying. The procedure may include an  
14 exception to the notification requirement if a school  
15 official reasonably believes notification would subject  
16 a student to abuse or neglect.

17 NEW PARAGRAPH. *i.* A procedure for documenting the  
18 actions taken by the school to investigate and respond  
19 to harassment or bullying.

20 Sec. 8. Section 280.28, subsections 5 and 7, Code  
21 2014, are amended to read as follows:

22 5. *Immunity. a.* A school employee, volunteer,  
23 or student, or a student's parent or guardian who  
24 promptly, reasonably, and in good faith reports an  
25 incident of harassment or bullying, in compliance with  
26 the procedures in the policy adopted pursuant to this  
27 section, to the appropriate school official designated  
28 by the school district or accredited nonpublic school,  
29 shall be immune from civil or criminal liability  
30 relating to such report and to participation in any  
31 administrative or judicial proceeding resulting from  
32 or relating to the report.

33 *b.* A school employee who determines not to  
34 investigate or take further action regarding a report  
35 of an alleged incident of harassment or bullying that  
36 occurred outside of school, off of school property,  
37 or away from a school function or school-sponsored  
38 activity shall be immune from civil or criminal  
39 liability relating to such determination. The employer  
40 of such a school employee shall be immune from civil or  
41 criminal liability relating to such determination.

42 7. ~~*Integration of policy and reporting.*~~ The board  
43 of directors of a school district and the authorities  
44 in charge of each nonpublic school shall integrate  
45 its antiharassment and antibullying policy into the  
46 comprehensive school improvement plan required under  
47 section 256.7, subsection 21, ~~and shall report data~~  
48 ~~collected under subsection 6, as specified by the~~  
49 ~~department, to the local community.~~

50 Sec. 9. Section 280.28, Code 2014, is amended by

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1 adding the following new subsections:  
2 NEW SUBSECTION. 7A. Annual report on internet site.  
3 *a.* The board of directors of a school district  
4 and the authorities in charge of each nonpublic  
5 school shall annually post on the school district's or  
6 school's internet site a report on the following for  
7 the previous school year by December 15:  
8 (1) Data collected under subsection 6.  
9 (2) The process used for filing complaints,  
10 including the location of online or other complaint  
11 forms.  
12 (3) Antiharassment and antibullying training  
13 completed by school employees, volunteers, and  
14 students.  
15 *b.* The department shall specify a format for the  
16 report, which shall include aggregate data on the types  
17 of harassment or bullying, as defined by the department  
18 in accordance with this section, that occurred, the  
19 incidence of harassment or bullying of each type, and  
20 trend data for the previous five years indicating  
21 whether the incidence of each type has increased or  
22 decreased. The board and the authorities shall approve  
23 the report for publication by December 1. The board  
24 and the authorities shall make copies of the report  
25 available to the public upon request.  
26 *c.* The department shall annually provide the most  
27 recent annual report by the department on statewide  
28 bullying and harassment data to the board and the  
29 authorities in a format which can be posted on the  
30 school district's or school's internet site, which  
31 shall then be posted by the board and authorities.  
32 NEW SUBSECTION. 9. Authority off school grounds. A  
33 school official may investigate and impose school  
34 discipline or take other action in the case of an  
35 alleged incident of harassment or bullying, including  
36 cyberbullying, that occurs outside of school, off of  
37 school property, or away from a school function or  
38 school-sponsored activity if all of the following  
39 apply:  
40 *a.* A parent, guardian, student, school employee,  
41 or volunteer reports an incident of harassment or  
42 bullying pursuant to the school's policy adopted under  
43 subsection 3, paragraph "e".  
44 *b.* The alleged incident of harassment or bullying  
45 has an effect on school grounds that creates an  
46 objectively hostile school environment that meets one  
47 or more of the conditions set out under subsection 2,  
48 paragraph "b".  
49 NEW SUBSECTION. 10. Rulemaking authority. The  
50 department of education may adopt rules necessary to

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1 administer this section in a uniform way across the  
2 state.

3 Sec. 10. Section 282.18, subsection 11, Code 2014,  
4 is amended to read as follows:

5 11. A pupil who participates in open enrollment  
6 for purposes of attending a grade in grades nine  
7 through twelve in a school district other than the  
8 district of residence is ineligible to participate  
9 in varsity interscholastic athletic contests and  
10 athletic competitions during the pupil's first ninety  
11 school days of enrollment in the district except that  
12 the pupil may participate immediately in a varsity  
13 interscholastic sport if the pupil is entering grade  
14 nine for the first time and did not participate in  
15 an interscholastic athletic competition for another  
16 school or school district during the summer immediately  
17 following eighth grade, if the district of residence  
18 and the other school district jointly participate  
19 in the sport, if the sport in which the pupil wishes  
20 to participate is not offered in the district of  
21 residence, if the pupil chooses to use open enrollment  
22 to attend school in another school district because  
23 the district in which the student previously attended  
24 school was dissolved and merged with one or more  
25 contiguous school districts under section 256.11,  
26 subsection 12, if the pupil participates in open  
27 enrollment because the pupil's district of residence  
28 has entered into a whole grade sharing agreement  
29 with another district for the pupil's grade, ~~or~~ if  
30 the parent or guardian of the pupil participating  
31 in open enrollment is an active member of the armed  
32 forces and resides in permanent housing on government  
33 property provided by a branch of the armed services,  
34 or if the district of residence determines that the  
35 pupil was previously subject to a founded incident of  
36 harassment or bullying as defined in section 280.28  
37 while attending school in the district of residence.  
38 A pupil who has paid tuition and attended school, or  
39 has attended school pursuant to a mutual agreement  
40 between the two districts, in a district other than  
41 the pupil's district of residence for at least one  
42 school year is also eligible to participate immediately  
43 in interscholastic athletic contests and athletic  
44 competitions under this section, but only as a member  
45 of a team from the district that pupil had attended.  
46 For purposes of this subsection, "school days of  
47 enrollment" does not include enrollment in summer  
48 school. For purposes of this subsection, "varsity"  
49 means the same as defined in section 256.46.>

50 2. Title page, by striking lines 2 through 6 and

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1 inserting <antibullying policies and providing for  
2 training on harassment and bullying prevention.>

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DAVID JOHNSON



Iowa General Assembly  
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Senate File 2318

S-5075

1 Amend Senate File 2318 as follows:

- 2 1. Page 5, line 6, after <response> by inserting  
3 <and free speech as defined by the first amendment of  
4 the Constitution of the United States and Article I,  
5 section 7 of the Constitution of the State of Iowa>  
6 2. Page 5, line 17, by striking <and reporting> and  
7 inserting <reporting>  
8 3. Page 5, line 18, by striking <department> and  
9 inserting <department, and free speech as defined by  
10 the first amendment of the Constitution of the United  
11 States and Article I, section 7 of the Constitution of  
12 the State of Iowa>  
13 4. Page 5, line 24, after <prevention> by inserting  
14 <and free speech as defined by the first amendment of  
15 the Constitution of the United States and Article I,  
16 section 7 of the Constitution of the State of Iowa>

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MARK CHELGREN

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BRAD ZAUN

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JACK WHITVER

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**Senate File 2339 - Introduced**

SENATE FILE 2339  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2256)  
(SUCCESSOR TO SSB 3050)

**A BILL FOR**

1 An Act relating to the administration of the redevelopment tax  
2 credits program by the economic development authority and  
3 including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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mm/sc



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S.F. 2339

1 Section 1. Section 15.291, Code 2014, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 01. *"Abandoned public building"* means a  
4 vertical improvement, as defined in section 15J.1, constructed  
5 for use primarily by a political subdivision of the state for a  
6 public purpose and whose current use is outdated or prevents  
7 a better or more efficient use of the property by the current  
8 owner. *"Abandoned public building"* includes vacant, blighted,  
9 obsolete, or otherwise underutilized property.

10 NEW SUBSECTION. 4A. *"Political subdivision"* means a city,  
11 county, township, or school district.

12 NEW SUBSECTION. 4B. *"Previously remediated or redeveloped"*  
13 means any prior remediation or redevelopment, including  
14 development for which an award of tax credits under this part  
15 has been made.

16 NEW SUBSECTION. 6A. *"Redevelopment tax credits program"*  
17 means the tax credits program administered pursuant to sections  
18 15.293A and 15.293B.

19 Sec. 2. Section 15.291, subsection 3, unnumbered paragraph  
20 1, Code 2014, is amended to read as follows:

21 *"Grayfield site"* means an abandoned public building or an  
22 industrial or commercial property meeting that meets all of the  
23 following requirements:

24 Sec. 3. Section 15.291, subsection 6, Code 2014, is amended  
25 to read as follows:

26 6. *"Qualifying redevelopment project"* means a brownfield or  
27 a grayfield site being redeveloped or improved by the property  
28 owner. *"Qualifying redevelopment project"* does not include a  
29 previously remediated or redeveloped brownfield or grayfield  
30 site.

31 Sec. 4. Section 15.293A, subsection 1, paragraph c, Code  
32 2014, is amended to read as follows:

33 c. (1) Any Except as provided in subparagraph (2), any  
34 tax credit in excess of the taxpayer's liability for the tax  
35 year is not refundable but may be credited to the tax liability

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1 for the following five years or until depleted, whichever is  
2 earlier.

3 (2) A tax credit in excess of the taxpayer's liability for  
4 the tax year is refundable if all of the following conditions  
5 are met:

6 (a) The taxpayer is an investor making application for tax  
7 credits provided in this section and is an entity organized  
8 under chapter 504 and qualifying under section 501(c)(3) of the  
9 Internal Revenue Code as an organization exempt from federal  
10 income tax under section 501(a) of the Internal Revenue Code.

11 (b) The taxpayer establishes during the application  
12 process described in section 15.293B that the requirement in  
13 subparagraph division (a) is satisfied. The authority, when  
14 issuing a certificate to a taxpayer that meets the requirements  
15 in this subparagraph (2), shall indicate on the certificate  
16 that such requirements have been satisfied.

17 (3) A tax credit shall not be carried back to a tax year  
18 prior to the tax year in which the taxpayer first receives the  
19 tax credit.

20 Sec. 5. Section 15.293A, subsection 2, paragraph a, Code  
21 2014, is amended by striking the paragraph.

22 Sec. 6. Section 15.293A, subsection 2, paragraph b,  
23 subparagraph (1), Code 2014, is amended to read as follows:

24 (1) To claim a redevelopment tax credit under this  
25 section, a taxpayer must ~~attach~~ include one or more tax credit  
26 certificates ~~to with~~ the taxpayer's tax return. A tax credit  
27 certificate shall not be used or ~~attached to~~ included with a  
28 return filed for a taxable year beginning prior to ~~July 1, 2009~~  
29 the tax year listed on the certificate.

30 Sec. 7. Section 15.293A, subsection 3, unnumbered paragraph  
31 1, Code 2014, is amended to read as follows:

32 The amount of the tax credit shall ~~equal one of~~ be determined  
33 by the board in conjunction with the council. However, the tax  
34 credit shall not exceed the following amount, as applicable:

35 Sec. 8. Section 15.293A, subsection 6, Code 2014, is amended

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1 to read as follows:

2 ~~6. For the fiscal year beginning July 1, 2009, the maximum~~  
3 ~~amount of tax credits issued by the authority shall not exceed~~  
4 ~~one million dollars. For each subsequent fiscal year, the~~  
5 The amount of tax credits that may be issued awarded by the  
6 authority board shall be subject to the limitation in section  
7 15.119.

8 Sec. 9. Section 15.293A, subsections 8, 9, 10, 11, 12, and  
9 13, Code 2014, are amended by striking the subsections.

10 Sec. 10. Section 15.293B, Code 2014, is amended to read as  
11 follows:

12 ~~15.293B Approval — requirements — repayment Application —~~  
13 registration — agreement.

14 1. a. The authority shall develop a system for the  
15 application, review, registration, and authorization of  
16 projects awarded tax credits pursuant to this part and  
17 shall control the issuance of all tax credit certificates to  
18 investors pursuant to this part.

19 b. The authority shall accept and, in conjunction with  
20 the council, review applications for tax credits pursuant to  
21 provided in section 15.293A and, with the approval of the  
22 council, make tax credit award recommendations regarding the  
23 applications to the board.

24 c. Applications for redevelopment tax credits shall be  
25 accepted during an annual application period established by the  
26 authority.

27 d. Upon review of an application, the authority may  
28 register the project with the redevelopment tax credits  
29 program. If the authority registers the project, the authority  
30 may, in conjunction with the council, make a preliminary  
31 determination as to the amount of tax credit for which an award  
32 recommendation will be made to the board.

33 e. After registering the project, the authority shall notify  
34 the investor of successful registration under the redevelopment  
35 tax credits program. The notification may include the amount



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1 of tax credit for which an award recommendation will be made  
2 to the board. If an award recommendation is included in the  
3 notification, such notification shall include a statement that  
4 the award recommendation is a recommendation only. The amount  
5 of tax credit included on a tax credit certificate issued  
6 pursuant to this section shall be contingent upon an award  
7 by the board and upon completion of the requirements in this  
8 section.

9 f. (1) All completed applications shall be reviewed and  
10 scored on a competitive basis by the council and the board. In  
11 reviewing and scoring applications, the council and the board  
12 may consider any factors the council and board deem appropriate  
13 for a competitive application process, including but not  
14 limited to the financial need, quality, and feasibility of a  
15 qualifying redevelopment project.

16 (2) For purposes of this paragraph:

17 (a) "Feasibility" means the likelihood that the project will  
18 obtain the financing necessary to allow for full completion of  
19 the project and the likelihood that the proposed redevelopment  
20 or improvement that is the subject of the project will be fully  
21 completed.

22 (b) "Financial need" means the difference between the total  
23 costs of the project less the total financing that will be  
24 received for the project.

25 (c) "Quality" means the merit of the project after  
26 considering and evaluating its total characteristics and  
27 measuring those characteristics in a uniform, objective manner  
28 against the total characteristics of other projects that have  
29 applied for the tax credit provided in section 15.293A during  
30 the same annual application period.

31 g. Upon reviewing and scoring all applications that are  
32 part of an annual application period, the board may award tax  
33 credits provided in section 15.293A.

34 h. If the applicant for a tax credit provided in section  
35 15.293A has also applied to an agency of the federal government



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1 or to the authority, the board, or any other agency of state  
2 government for additional financial assistance, the authority,  
3 the council, and the board shall consider the amount of funding  
4 to be received from such public sources when making a tax  
5 credit award pursuant to this section.

6 i. An applicant that is unsuccessful in receiving a tax  
7 credit award during an annual application period may make  
8 additional applications during subsequent annual application  
9 periods. Such applicants shall be required to submit a new  
10 application and shall be competitively reviewed and scored in  
11 the same manner as other applicants in that annual application  
12 period.

13 2. An investor applying for a tax credit shall provide the  
14 authority with all of the following:

15 a. Information showing the total costs of the qualifying  
16 redevelopment project, including the costs of land acquisition,  
17 cleanup, and redevelopment.

18 b. Information about the financing sources of the investment  
19 which are directly related to the qualifying redevelopment  
20 project for which the ~~taxpayer~~ investor is seeking approval for  
21 a tax credit, ~~as provided in section 15.293A.~~

22 c. Any other information deemed necessary by the board and  
23 the council to review and score the application pursuant to  
24 subsection 1.

25 3. If ~~a taxpayer receives an investor is awarded a tax~~  
26 ~~credit pursuant to section 15.293A, but this section, the~~  
27 ~~authority and the investor shall enter into an agreement~~  
28 ~~concerning the qualifying redevelopment project. If the~~  
29 ~~investor fails to comply with any of the requirements of the~~  
30 ~~agreement, the taxpayer loses any right to the tax credit,~~  
31 ~~and the authority may find the investor in default under the~~  
32 ~~agreement and may revoke all or a portion of the tax credit~~  
33 ~~award. The department of revenue, upon notification by the~~  
34 ~~authority of an event of default, shall seek recovery repayment~~  
35 ~~of the value of the any such tax credit received already~~



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1 claimed in the same manner as provided in section 15.330,  
2 subsection 2.

3 ~~4. This section is repealed on June 30, 2021. A registered~~  
4 project shall be completed within thirty months of the date the  
5 project was registered unless the authority provides additional  
6 time to complete the project. A project shall not be provided  
7 more than twelve months of additional time. If the registered  
8 project is not completed within the time required, the project  
9 is not eligible to claim a tax credit provided in section  
10 15.293A.

11 5. a. Upon completion of a registered project, an audit  
12 of the project, completed by an independent certified public  
13 accountant licensed in this state, shall be submitted to the  
14 authority.

15 b. Upon review of the audit and verification of the amount  
16 of the qualifying investment, the authority may issue a tax  
17 credit certificate to the investor stating the amount of tax  
18 credit under section 15.293A the investor may claim.

19 6. The authority, in conjunction with the department of  
20 revenue, shall adopt rules to administer the redevelopment tax  
21 credits program.

22 Sec. 11. Section 15.294, subsection 1, paragraph c, Code  
23 2014, is amended by striking the paragraph and inserting in  
24 lieu thereof the following:

25 c. One person selected by the board of directors of the  
26 professional developers of Iowa.

27 Sec. 12. Section 15.294, subsection 4, Code 2014, is amended  
28 to read as follows:

29 4. The council, in conjunction with the authority, shall  
30 consider applications for redevelopment tax credits as  
31 described provided in sections section 15.293A and 15.293B,  
32 and may recommend to the authority which applications to  
33 approve and the amount of such tax credits that each project is  
34 eligible to receive should be awarded by the board.

35 Sec. 13. APPLICABILITY. This Act applies to qualifying



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1 redevelopment projects for which a redevelopment tax credit  
2 is awarded on or after the effective date of this Act, and  
3 qualifying redevelopment projects for which a redevelopment  
4 tax credit was awarded prior to the effective date of this Act  
5 shall be governed by sections 15.291, 15.293A, and 15.293B,  
6 Code 2014.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill makes several changes to the redevelopment tax  
11 credits program administered by the economic development  
12 authority (EDA).

13 The bill defines the "redevelopment tax credits program"  
14 to be the tax credits program administered pursuant to Code  
15 sections 15.293A and 15.293B.

16 The bill affects the qualification of redevelopment projects  
17 under the redevelopment tax credits program (program) by  
18 amending the definition of "grayfield site" to include an  
19 abandoned public building, and by specifying that a previously  
20 remediated or redeveloped brownfield site, which does not  
21 qualify for the program, means any prior remediation or  
22 redevelopment, including redevelopment for which an award of  
23 tax credits has been made under the program. "Abandoned public  
24 building" and related terms are defined in the bill.

25 The bill amends the tax credit application and award  
26 process. The bill provides that tax credit applications shall  
27 be accepted by the EDA during an annual application period  
28 established by the EDA. After an application is received, the  
29 EDA may register the project under the program and may make a  
30 preliminary determination as to the amount of tax credit for  
31 which an award recommendation will be made to the economic  
32 development authority board (board). The EDA then notifies  
33 the investor of successful registration and, if applicable,  
34 the amount of tax credit for which an award recommendation  
35 will be made to the board. All applications that are part of

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1 that annual application period are required to be reviewed and  
2 scored on a competitive basis by the brownfield redevelopment  
3 advisory council (council) and the board. In reviewing and  
4 scoring applications, the council and the board are allowed to  
5 consider any factors they deem appropriate for a competitive  
6 application process, including but not limited to the financial  
7 need, quality, and feasibility of a project.

8 The bill provides that if an applicant is unsuccessful in  
9 receiving a tax credit award from the board during one annual  
10 application period, the applicant may apply in a subsequent  
11 annual application period provided the applicant submits a new  
12 application and is competitively reviewed and scored in the  
13 same manner as other applicants in that annual application  
14 period.

15 The bill requires a tax credit application to include any  
16 information deemed necessary by the board and the council to  
17 appropriately review and score the application, in addition to  
18 the information already required under Iowa law relating to the  
19 project's total costs and financing sources. The bill strikes  
20 language requiring the EDA to maintain a wait list for tax  
21 credits.

22 The bill strikes the provision requiring that if a  
23 redevelopment tax credit recipient has also applied to the  
24 state for additional financial assistance, the state shall not  
25 consider the receipt of the tax credit when considering the  
26 application for additional financial assistance and instead  
27 provides that if a redevelopment tax credit applicant also  
28 applies to a federal or state agency for additional financial  
29 assistance, the EDA and the board shall consider the amount  
30 of funding from these public sources when making a tax credit  
31 award.

32 The bill amends the amount of the tax credit. Under  
33 current law, the amount of the tax credit is equal to a certain  
34 percentage of the investor's qualifying investment depending  
35 on whether the project is located on a grayfield site or a



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1 brownfield site and whether or not the project meets green  
2 development requirements. The bill provides that the amount  
3 of the tax credit shall be an amount determined by the board  
4 in conjunction with the council, but shall not exceed those  
5 percentages already provided under current law. The bill  
6 provides that the amount of tax credit included on a tax credit  
7 certificate shall be contingent on an award by the board, and  
8 on the completion of an audit of the project which audit is  
9 already required under Iowa law.

10 The bill requires agreements under the program. An investor  
11 awarded tax credits is required to enter into an agreement  
12 with the EDA concerning the qualifying redevelopment project.  
13 The bill amends language relating to a taxpayer's loss of  
14 any right to a tax credit for failure to comply with any  
15 requirements, to specify that if an investor fails to comply  
16 with any requirements of the agreement, the authority may find  
17 the investor in default and revoke all or a portion of the  
18 tax credit award. If recovery of a claimed tax credit by the  
19 department of revenue (DOR), as required under current law,  
20 is necessary for failure to maintain the requirements of an  
21 agreement, the bill provides that such recovery shall be in  
22 the same manner as provided in Code section 15.330, subsection  
23 2, which relates to the recovery of incentives under the high  
24 quality jobs program.

25 The bill amends the process of claiming the tax credits  
26 by allowing the currently nonrefundable tax credits to be  
27 refundable, but only to nonprofit organizations under certain  
28 conditions. In order for tax credits to qualify as refundable,  
29 a nonprofit organization must be an investor applying for  
30 the tax credits, must be organized under Code chapter 504,  
31 must qualify as a tax-exempt organization under section  
32 501(c)(3) of the Internal Revenue Code, and must establish  
33 these requirements during the tax credit application process.  
34 The EDA will be required to indicate on the tax credit  
35 certificate issued to these nonprofit organizations that such





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1 requirements have been met. The bill requires that a taxpayer  
2 include, rather than attach, a tax credit certificate with the  
3 taxpayer's tax return. The bill amends the requirement that  
4 tax credits shall not be claimed for taxable years beginning  
5 prior to July 1, 2009, to require that tax credits shall not  
6 be claimed prior to the tax year listed on the tax credit  
7 certificate.

8 The bill strikes Code section 15.293A, subsections 10 and  
9 11, relating to the adoption of administrative rules by the  
10 EDA and the DOR, and the EDA's cooperation with the department  
11 of natural resources and local governments regarding the  
12 dissemination of information about the program. The bill  
13 requires the authority, in conjunction with the department  
14 of revenue, to adopt rules to administer the program. The  
15 bill transfers to Code section 15.293B the language from  
16 Code section 15.293A, subsection 8, relating to the deadline  
17 for completing registered projects, and amends part of that  
18 language referencing the project's approval date to instead  
19 reference the date upon which the project was registered.

20 The bill amends the membership of the council to delete the  
21 director of transportation and to add a person chosen by the  
22 board of directors of the professional developers of Iowa.

23 The bill amends the duties and powers of the council to  
24 provide that it may recommend to the EDA the amount of tax  
25 credits that a redevelopment project should be awarded, instead  
26 of the amount of tax credits that a redevelopment project is  
27 eligible to receive.

28 Finally, the bill removes the automatic repeal date of the  
29 program, which under current law is set to expire on June 30,  
30 2021.

31 The bill applies to qualifying redevelopment projects for  
32 which a redevelopment tax credit is awarded on or after the  
33 effective date of the bill. The bill provides that qualifying  
34 redevelopment projects for which a redevelopment tax credit  
35 was awarded prior to the effective date of the bill shall be

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1 governed by current law.



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**Senate File 2340 - Introduced**

SENATE FILE 2340  
BY COMMITTEE ON WAYS AND MEANS  
  
(SUCCESSOR TO SSB 3201)

**A BILL FOR**

1 An Act modifying provisions applicable to the solar energy  
2 system tax credit, and including effective date and  
3 retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 422.11L, subsection 1, paragraphs a and  
2 b, Code 2014, are amended to read as follows:

3 a. ~~Fifty~~ Sixty percent of the federal residential energy  
4 efficient property credit related to solar energy provided in  
5 section 25D of the Internal Revenue Code, not to exceed ~~three~~  
6 five thousand dollars.

7 b. ~~Fifty~~ Sixty percent of the federal energy credit related  
8 to solar energy systems provided in section 48 of the Internal  
9 Revenue Code, not to exceed ~~fifteen~~ twenty thousand dollars.

10 Sec. 2. Section 422.11L, subsection 3, Code 2014, is amended  
11 by adding the following new paragraphs:

12 NEW PARAGRAPH. c. A taxpayer may claim more than one  
13 credit under this section, but may claim only one credit per  
14 separate and distinct solar installation. The department shall  
15 establish criteria, by rule, for determining what constitutes a  
16 separate and distinct installation.

17 NEW PARAGRAPH. d. A taxpayer must submit an application  
18 to the department for each separate and distinct solar  
19 installation. The application must be approved by the  
20 department in order to claim the tax credit. The application  
21 must be filed by May 1 following the year of the installation  
22 of the solar energy system.

23 Sec. 3. Section 422.11L, subsection 4, Code 2014, is amended  
24 to read as follows:

25 4. a. The cumulative value of tax credits claimed annually  
26 by applicants pursuant to this section shall not exceed ~~one~~  
27 four million five hundred thousand dollars.

28 b. If an amount of tax credits available for a tax year  
29 pursuant to paragraph "a" goes unclaimed, the amount of the  
30 unclaimed tax credits shall be made available for the following  
31 tax year in addition to, and cumulated with, the amount  
32 available pursuant to paragraph "a" for the following tax year.

33 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
34 immediate importance, takes effect upon enactment.

35 Sec. 5. RETROACTIVE APPLICABILITY. This Act applies

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1 retroactively to January 1, 2014, for tax years beginning and  
2 installations occurring on or after that date.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with  
5 the explanation's substance by the members of the general assembly.

6 This bill relates to the solar energy system individual and  
7 corporate income tax credit.

8 Currently, the tax credit is equal to the sum of 50 percent  
9 of the federal residential energy efficient property credit  
10 related to solar energy provided in section 25D of the Internal  
11 Revenue Code, not to exceed \$3,000, and 50 percent of the  
12 federal energy credit related to solar energy systems provided  
13 in section 48 of the Internal Revenue Code, not to exceed  
14 \$15,000. The bill increases these amounts to 60 percent of the  
15 federal residential energy efficient property credit related  
16 to solar energy, not to exceed \$5,000, and 60 percent of the  
17 federal energy credit related to solar energy systems, not to  
18 exceed \$20,000.

19 Additionally, currently the cumulative value of solar energy  
20 system income tax credits able to be claimed annually cannot  
21 exceed \$1.5 million. The bill increases this cumulative amount  
22 to \$4.5 million annually, and provides that if not all of the  
23 tax credits available for a tax year are claimed, the amount  
24 of the unclaimed tax credits shall be made available for the  
25 following tax year in addition to, and cumulated with, the  
26 amount otherwise allocated for the following tax year.

27 Additionally, the bill permits a taxpayer to claim more  
28 than one credit provided the credit is being claimed for  
29 separate and distinct solar installations. The bill directs  
30 the department of revenue to establish criteria, by rule,  
31 for determining what constitutes a separate and distinct  
32 installation. A taxpayer is required to submit an application  
33 for approval to the department for each installation.

34 The bill's provisions apply retroactively to January 1,  
35 2014, for tax years beginning and installations occurring on

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1 or after that date.



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**Senate File 2341 - Introduced**

SENATE FILE 2341  
BY COMMITTEE ON WAYS AND MEANS  
  
(SUCCESSOR TO SSB 3162)

**A BILL FOR**

1 An Act relating to the rebate of sales tax imposed and  
2 collected at an automobile racetrack facility and including  
3 effective date and retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 423.4, subsection 5, paragraph a,  
2 subparagraphs (2), (3), and (4), Code 2014, are amended to read  
3 as follows:

4 (2) *"Change of control"* means ~~any of the following:~~

5 ~~(a) Any~~ any change in the ownership of the original or any  
6 subsequent legal entity that is the owner or operator of the  
7 automobile racetrack facility such that less than twenty-five  
8 percent of the equity interests in the legal entity is owned  
9 by individuals who are residents of Iowa, an Iowa ~~corporation~~  
10 business, or combination of both.

11 ~~(b) The original owners of the legal entity that is the~~  
12 ~~owner or operator of the automobile racetrack facility shall~~  
13 ~~collectively cease to own at least twenty-five percent of the~~  
14 ~~voting equity interests of such legal entity.~~

15 (3) *"Iowa corporation business"* means a corporation or  
16 limited liability company incorporated or formed under the laws  
17 of Iowa ~~where at least twenty-five percent of the corporation's~~  
18 ~~equity interests are owned by individuals who are residents of~~  
19 ~~Iowa.~~

20 (4) *"Owner or operator"* means a for-profit legal entity  
21 where at least twenty-five percent of its equity interests  
22 are owned by individuals who are residents of Iowa, an Iowa  
23 ~~corporation~~ business, or combination of both and that is the  
24 owner or operator of an automobile racetrack facility and is  
25 primarily a promoter of motor vehicle races.

26 Sec. 2. Section 423.4, subsection 5, paragraph c,  
27 subparagraph (3), Code 2014, is amended to read as follows:

28 (3) The transactions for which sales tax was collected and  
29 the rebate is sought occurred on or after January 1, 2006, but  
30 before January 1, ~~2016~~ 2026. However, not more than twelve  
31 million five hundred thousand dollars in total rebates shall be  
32 provided pursuant to this subsection.

33 Sec. 3. Section 423.4, subsection 5, paragraph g, Code 2014,  
34 is amended to read as follows:

35 g. This subsection is repealed June 30, ~~2016~~ 2026, or thirty

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1 days following the date on which twelve million five hundred  
2 thousand dollars in total rebates have been provided, or thirty  
3 days following the date on which rebates cease as provided in  
4 paragraph "c", subparagraph (4), whichever is the earliest.

5 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
6 immediate importance, takes effect upon enactment.

7 Sec. 5. RETROACTIVE APPLICABILITY. This Act applies  
8 retroactively to November 1, 2013.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with  
11 the explanation's substance by the members of the general assembly.

12 This bill relates to the rebate of sales tax imposed  
13 and collected at certain automobile racetrack facilities  
14 (facility).

15 Under current law, the owner or operator of a facility may  
16 receive a rebate of the sales tax imposed and collected by  
17 retailers at the facility. The rebate is limited to sales  
18 occurring before January 1, 2016, and is limited to a total of  
19 \$12.5 million. The rebate ceases if a "change in control", as  
20 defined in statute, occurs. A change in control occurs when  
21 the original owners cease to own at least 25 percent of the  
22 voting equity interests in the legal entity that is the owner  
23 or operator of the facility or when less than 25 percent of  
24 the equity interests in the legal entity that is the owner  
25 or operator of the facility are owned by individuals who are  
26 residents of Iowa or an Iowa corporation or a combination  
27 of both. "Iowa corporation" is defined in statute as a  
28 corporation incorporated under the laws of Iowa where at least  
29 25 percent of the corporation's equity interests are owned by  
30 individuals who are residents of Iowa.

31 The bill extends the rebate by 10 years to sales occurring  
32 before January 1, 2026, and extends the repeal date of the  
33 rebate to the same date. The bill changes the definition  
34 of "change in control" by removing the requirement that the  
35 original owners retain at least 25 percent of the voting equity

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1 interests in the legal entity that is the owner or operator of  
2 the facility. The bill also changes the definition of "Iowa  
3 corporation" by renaming it as "Iowa business", allowing a  
4 limited liability company formed under the laws of Iowa to  
5 qualify, and removing the requirement that at least 25 percent  
6 of the corporation's or limited liability company's equity  
7 interests be owned by individuals who are residents of Iowa.

8 The bill takes effect upon enactment and applies  
9 retroactively to November 1, 2013.